



For Immediate Release

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Court Says NC Illegally Segregates People with Intellectual and Developmental Disabilities and Places Others at Risk for Institutionalization

February 5, 2020, Raleigh, NC—A judge has ruled that the State of North Carolina and the North Carolina Department of Health and Human Services (DHHS) violated the NC Persons with Disabilities Protection Act, which protects people with disabilities from discrimination. The ruling came in a case alleging that the system makes it easier for people with intellectual or developmental disabilities (I/DD) to be institutionalized than to find services and supports in the community.

The case, *Samantha R., et al. v. North Carolina, et. al.*, was filed in Wake County in May 2017. The suit claimed that North Carolina does not offer enough community-based supports for people with I/DD. Many people with I/DD would prefer to live in their home communities but have been placed into institutions in order to receive services. In addition, long waiting lists for services, and the lack of community services continue to put many people with IDD at risk for institutionalization.

The judicial order declares that the State and DHHS have violated a legal mandate – passed nearly 30 years ago - that people with disabilities may not be forced to live in institutional settings in order to get the services they need.

Disability Rights NC, attorney Jerry Hartman, and Faegre Drinker Biddle & Reath LLP, a global law firm, represent the plaintiffs.

“We are pleased that the judge ruled in favor of people with disabilities having the choice to live in the community,” said Virginia Knowlton Marcus, CEO of Disability Rights North Carolina. “This order is the first step, and we will be actively working toward a remedy that helps more people with I/DD get the support they need in the home they choose. We hope that the State and DHHS will commit to do the same.”

Additional orders of the court will determine the means by which the State and NC DHHS will be required to remedy non-compliance.

Karen Denys, counsel with Faegre Drinker, said: “Our firm is deeply gratified to be involved in this important case. We look forward to working toward a full remedy.”

Faegre Drinker has participated in the case as part of its High Impact Pro Bono Project under the auspices of the Barbara McDowell Foundation, named for the late Barbara McDowell, a well-known social justice advocate, appellate litigator, and wife of retired Drinker Biddle (now known as Faegre Drinker) partner, Jerry Hartman.

Disability Rights North Carolina is a 501(c)(3) nonprofit organization based in Raleigh. its team of attorneys, advocates, paralegals, and support staff provide advocacy and legal services at no charge for North Carolinians with disabilities to protect their civil rights under the Americans with Disabilities Act and other federal and state laws.

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The Barbara McDowell Foundation, established in 2009 to honor the work of Barbara McDowell, a well-known social justice advocate, aims to improve the economic well-being and social conditions of disadvantaged persons and groups in the United States by making grants to organizations that undertake systemic litigation and coordinating direct pro bono litigation through its High Impact Project. www.McDowellFoundation.org. Jerry Hartman is President of the Foundation.